

MASSACHUSETTS PERMIT REGULATORY OFFICE

CHAPTER 43D - EXPEDITED LOCAL PERMITTING

WHAT IS THE 43D EXPEDITED LOCAL PERMITTING PROGRAM?

HISTORY

On August 2, 2006, Massachusetts General Law Chapter 43D was signed into law. The 43D Program was amended on August 7, 2012 in Section 25 of Chapter 238 of the Acts of 2012.

This program offers communities a tool for targeted economic development.

CHAPTER 43D

- Provides a transparent and efficient process for municipal permitting
- Guarantees local permitting decisions on priority development sites within 180 days
- Increases visibility of your community and target development site(s)

THE BENEFITS OF OPTING-IN

- Priority consideration for the MassWorks Infrastructure Program grants, brownfields remediation assistance, and other financing through quasi-public organizations
- Online marketing of your site and promotion of your pro-business regulatory climate
- Improved municipal planning and permitting efficiencies
- Collection of special fees for priority development site permit applications

THE CRITERIA FOR PRIORITY DEVELOPMENT SITES

- May be zoned for commercial, industrial development, residential or mixed use purposes
- Must be eligible for the development or redevelopment of a building of at least 50,000 square feet of gross floor area (may include existing structures and contiguous buildings)
- Sites must be approved by the local governing authority
- Must be approved by the state Interagency Permitting Board

THE OBLIGATIONS OF OPTING INTO CHAPTER 43D

- The community must identify a qualifying parcel as a priority development site, and obtain permission of its owner (if private) for participation in the program
- Within 120 days of adopting Chapter 43D, the community must
 - appoint a single municipal point of contact for streamlined permitting;
 - amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline;
 - determine and make available the requirements for each permit;
 - establish a procedure for identifying necessary permits for a project;
 - establish a procedure for determining completeness of the required submissions.
- After the 120 phase-in period is complete, the town must render permitting decisions on priority development sites within 180 days

PROTECTIONS FOR COMMUNITIES

- The 180 day guarantee is suspended if the governing body determines:
 - an application is incomplete
 - an application contains false or misleading information
 - that substantial changes to the project affect the information on the permit applications since the original submission

FOR MORE INFORMATION ON THIS PROGRAM

Visit www.mass.gov/mpro or contact Victoria Maguire, State Permit Ombudsman/Director for the Massachusetts Permit Regulatory Office at 617-788-3649 or Victoria.Maguire@state.ma.us